

Bills Committee on Buildings (Amendment) Bill 2003

**List of follow-up actions arising from previous meetings
(as at 21 June 2004)**

Date of meeting	List of follow-up actions	Administration's response
8 July 2003	<p>(a) To clarify the criteria for categorization of building works as minor works and specify in detail the types of works which would be regarded as such.</p> <p>(b) To explain the qualification for registration as minor works contractors.</p> <p>(c) To advise the overall policies, if any, on building maintenance and control of unauthorized building works (UBWs) and advertisement signboards and enforcement in these respects.</p> <p>(d) To explain the policy, if any, to deal with cases in which owners have genuine financial difficulties in complying with removal order in respect of UBWs.</p> <p>(e) To advise how enforcement action against UBWs could be taken without causing insurmountable hardship to the owners concerned. Requiring demolition of unauthorized cooling towers for air-conditioners of small food shops is an example in question.</p> <p>(f) To consider measures to prevent large contractor companies from monopolizing the undertaking of minor works to the prejudice of existing small contractors.</p>	<p>Information paper on "The Minor Works Control Regime" (CB(1) 2292/02-03(01)) discussed at the meeting on 23 September 2003</p> <p>Information paper on "Unauthorized Building Works Enforcement Policy and Support for Owners" (CB(1) 2283/02-03(02)) discussed at the meeting on 31 July 2003</p> <p>Information paper on "The Minor Works Control Regime" (CB(1) 2292/02-03(01)) discussed at the meeting on 23 September 2003</p>

Date of meeting	List of follow-up actions	Administration's response
31 July 2003	<p>(a) To explain the eligibility and procedures for applying for the Building Safety Loan Scheme. A member was concerned that there had been a case in which an applicant applying for a small amount under the Scheme was required to provide tenders for the works.</p> <p>(b) To provide a paper to explain how to handle situations in which building owners are uncooperative and obstruct the carrying out of works to demolish unauthorized building works (UBWs).</p> <p>(c) To advise the legislative timetable, if any, for introducing amendments to the Building Management Ordinance (Cap. 344) to facilitate owners incorporations to undertake works on the common parts of their buildings in compliance with statutory notices or orders.</p> <p>(d) To provide a paper to explain the existing practice or arrangement for recovering costs for demolishing UBWs or advertisement signboards affixed to a building the owners of which could not be identified or located. Please provide the statistics, if any, to show how frequent such a situation was encountered over the past few years.</p> <p>(e) To provide a copy of the Building Maintenance Guidebook, Guide on Erection and Maintenance of Advertising Signs and related pamphlets.</p>	<p>Information on "Building Safety Loan Scheme" (CB(1) 2405/02-03(03)) discussed at the meeting on 16 October 2003</p> <p>Information paper on "Uncooperative Owners" (CB(1) 2405/02-03(04)) discussed at the meeting on 16 October 2003</p> <p>Letter dated 4 September 2003 from the Administration (CB(1) 2411/02-03(01)) issued on 8 September 2003</p> <p>Information paper on "Cost recovery for removal of unauthorized building works" (CB(1) 2415/02-03(06)) discussed at the meeting on 6 November 2003</p> <p>Publications from the Administration (CB(1)2409/02-03) issued on 4 September 2003</p>
9 September 2003	<p>(a) To provide written response to the views and concerns expressed by the organizations.</p>	<p>Information papers on "Response to Submissions" (CB(1) 59/03-04(03) & 719/03-04(03)) discussed at the meeting on 12 December 2003 and 8 January 2004</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>(b) To review the proposed increases of maximum fines for selected offences which some members and organizations considered to be too high.</p> <p>(c) To explain the present enforcement situation concerning naming of streets and numbering of buildings under section 32(2) of the Buildings Ordinance.</p>	<p>Information paper on "Fines" (CB(1) 76/03-04(01)) discussed at the meetings on 6 and 11 November 2003</p> <p>Information paper on "Building Numbers" (CB(1) 59/03-04(02)) discussed at the meeting on 11 November 2003</p>
<p>23 September 2003</p>	<p>(a) To re-assess the minor works control scheme with respect to the following aspects:</p> <p><u>Need</u></p> <ul style="list-style-type: none"> - whether it is necessary to impose control over the carrying out of works which are very minor in nature, such as erection of metal supporting frame for air-conditioning unit and of drying rack. Members are concerned whether such minor works are exempted under section 41(3) of the existing Buildings Ordinance (BO); and - how the submission of as-built plans and certificate of completion to the Building Authority (BA) after completion of Category III minor works enhances safety of the works. <p><u>Feasibility</u></p> <ul style="list-style-type: none"> - whether it is feasible to implement the proposed minor works control regime, in particular in respect of Category III minor works as some contractors currently engaged in those works may not be able to provide as-built plans of the works done; and - whether it is practicable and cost-effective on the part of BA to keep and manage a 	<p>Information paper on "Minor Works Control Regime (Part II)" (CB(1) 237/03-04(02)) discussed at the meetings on 11 and 27 November 2003</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>huge amount of as-built plans expected to be submitted for Category III minor works.</p> <p><u>Impact</u></p> <ul style="list-style-type: none"> - how the minor works control regime would affect existing contractors engaged in minor works; - how existing contractors engaged in minor works could be consulted on the minor works control regime; - whether the provision of top-up courses for contractors who do not have the appropriate academic qualifications for registration as minor works contractors is sufficient to meet the demand for such courses; the number of places in such courses and the amount of course fees contemplated; and - how members of the public could be informed of the minor works control regime and its implications. <p><u>Liability</u></p> <ul style="list-style-type: none"> - whether it is an offence for owners who have appointed with or without knowledge unregistered contractors to carry out minor works; and - whether it is appropriate that conviction of offences in relation to minor works and of offences of a serious nature under the BO attracts the same levels of fines and imprisonment terms. 	<p>Information paper on "Minor Works Control Regime (Part II)" (CB(1) 237/03-04(02)) discussed at the meetings on 11 and 27 November 2003</p> <p>Information paper on "Minor Works Control Regime (Part II)" (CB(1) 237/03-04(02)) discussed at the meetings on 11 and 27 November 2003</p> <p>Information paper on "Fines" (CB(1) 76/03-04(01)) discussed at the meetings on 6 and 11 November 2003</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>(b) To provide a sample of an as-built plan for erection of supporting frame for air-conditioning unit under Category III minor works.</p> <p>(c) To compile a list of building works which will be regarded as exempted works under the BO.</p> <p>(d) To give examples of existing laws which provide for a fine of \$1,500,000 and imprisonment for three years for conviction of offences. There has been concern that the three years' imprisonment for the offence of failure to notify BA of contravention of regulations resulting from carrying out buildings works shown in approved plans is too severe.</p> <p>(e) To advise whether the present drafting of the proposed section 40(2AA) imposes a strict liability.</p>	<p>Information paper on "Minor Works Control Regime (Part II)" (CB(1) 237/03-04(02)) discussed at the meetings on 11 and 27 November 2003</p> <p>Information paper on "Fines" (CB(1) 76/03-04(01)) discussed at the meetings on 6 and 11 November 2003</p> <p>Information paper on "Minor Works Control Regime (Part II)" (CB(1) 237/03-04(02)) discussed at the meetings on 11 and 27 November 2003</p>
<p>16 October 2003</p>	<p>(a) To advise if there are any applications for the Building Safety Loan Scheme (BSLS) which have been rejected because of the failure of the applicants to submit supporting documents in respect of the properties in question which are held under joint ownership. An example quoted is the failure of the applicant to produce a copy of the HKID card of the other co-owners.</p> <p>(b) To consider how applicants with negative equity could be assisted in applying for loans exceeding \$250,000 under BSLS as they are required to execute a legal charge registered against the title of a property owned by them or to obtain a letter of guarantee issued by a bank.</p> <p>(c) To advise how the interest rate for BSLS loans on the principle of "no gain, no loss" to Government is arrived at. Please also advise if the resources used in dealing with defaulting cases are included in the calculation.</p>	<p>Supplementary information on "Building Safety Loan Scheme and Uncooperative Owners" (CB(1) 237/03-04(03)) discussed at the meeting on 6 November 2003</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>(d) Referring to the submission of supporting documents on incomes and bank accounts by applicants under the low income category for the interest-free BSLS loan (page 4 of the application form for BSLS), to consider whether a reference letter from a registered social worker in support of the application could serve the purpose.</p> <p>(e) To provide the number and percentage of BSLS applications received up to July 2003 which are made in response to orders issued by the Building Authority (BA).</p> <p>(f) To confirm whether all the sections referred to in the proposed section 39B(1) of the Buildings Ordinance (BO) (Cap. 123) were related to safety of buildings. Some members are concerned that the offences for contravention of proposed section 39B attract severe penalties.</p> <p>(g) To confirm whether a person aggrieved by an order served on an owners' corporation (OC) may appeal to an Appeal Tribunal appointed under BO.</p> <p>(h) To consider how to resolve genuine difficulties encountered by individual owners who feel aggrieved by a decision made by an OC in response to an order served on the OC.</p> <p>(i) To explain whether BA will take enforcement action when disputes between individual owners and OCs concerning compliance with statutory orders are yet to be settled.</p> <p>(j) To advise who will be liable to offences relating to obstruction of OC if the owner is a company.</p>	<p>Supplementary information on "Building Safety Loan Scheme and Uncooperative Owners" (CB(1) 237/03-04(03) discussed at the meeting on 6 November 2003</p>
6 November 2003	<p>(a) To provide a sample rates demand note which contains a note that the charging of rates on a structure did not connote its legality.</p>	<p>A sample of rates demand notes provided by the Administration (CB(1) 338/03-04) issued on 14 November 2003</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>(b) To consider the feasibility of introducing mandatory or voluntary arbitration to resolve disputes between owners' corporations (OCs) and individual owners in connection with compliance with statutory orders served under the Buildings Ordinance (Cap. 123).</p> <p>(c) To consider the feasibility of operating an advisory service counter in the Lands Tribunal (LT) to help resolve disputes between OCs and individual owners in connection with compliance with statutory orders served under BO.</p> <p>(d) To advise how far individual owners could seek redress from LT under the Tenth Schedule to the Building Management Ordinance (Cap. 344) in relation to disputes with OCs concerning compliance with statutory orders served under BO.</p> <p>(e) To advise whether a reference letter from a registered social worker could be accepted for the purpose of supporting applications for interest-free loans under the Building Safety Loan Scheme from owners who might not fall within the low income category (if the assessment was made in terms of total household income) but whose family members habitually did not contribute to the family expenditure.</p> <p>(f) To advise the outcome of the Administration's examination of the feasibility of providing for separate penalties for minor works. A member suggested that a tier penalty system might be considered such as providing for penalties for summary conviction and conviction on indictment.</p>	<p>Information paper on "Relationship between Individual Owners and Owners' Corporations" (CB(1) 407/03-04(03)) discussed on 27 November 2003</p> <p>} Information paper on "Relationship between Individual Owners and Owners' Corporations" (CB(1) 407/03-04(03)) discussed on 27 November 2003</p> <p>Letter dated 25 November 2003 from the Administration (CB(1) 434/03-04) issued on 27 November 2003</p> <p>Information paper on "Fines (Part II)" (CB(1)1054/03-04(02)) discussed at the meeting on 23 February 2004</p>
11 November 2003	<p>(a) To ascertain the reference to which the level of fines had been made when the provisions relating to fines in the Buildings Ordinance (BO) (Cap.123) were enacted.</p> <p>(b) To review whether it was appropriate to link the level of fines with the Building Cost Index. It had been suggested that reference might be made to the Consumer Price Index.</p>	<p>} Information paper on "Fines (Part II)" (CB(1)1054/03-04(02)) discussed at the meeting on 23 February 2004</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>(c) To review the proposal to increase the maximum fine from \$250,000 to \$1.5 million under section 40(2AA) of BO for failure to notify the Building Authority of any contravention of building regulations resulting from the carrying out of works shown on approved plans.</p> <p>(d) To review whether it was appropriate for the proposed offence under section 40(2AA) of BO to be a strict liability offence.</p> <p>(e) To review comprehensively the present situation about display of street names and building numbers and report the outcome of the review to the Panel on Planning, Lands and Works. Members were concerned about inadequate display of street names and building numbers in the territory. A member was also concerned that normally a building number was only shown at the entrance of a large shopping arcade but the shops which fronted or abutted the street concerned were numberless.</p> <p>(f) To answer at the following meeting the following questions raised by members:</p> <ul style="list-style-type: none"> (i) would the proposed minor works control scheme backfire as contractors and building owners might be reluctant or unable to comply with the proposed provisions, defeating the purpose for introducing the scheme; (ii) whether works which altered fire services installations without changing the structural elements of a building would be regarded as exempted works under section 41(3AA)(a) of BO; (iii) whether the contractor and/or the owner concerned would be held liable if the as-built plan for a supporting frame for an air-conditioning unit was found to be incorrect; (iv) whether the contractor for installing a new air-conditioning unit using an existing supporting frame and/or the owner concerned would be held liable if the existing supporting frame was used and it fell off during installation of the 	<p>Information paper on "Fines (Part II)" (CB(1)1054/03-04(02)) discussed at the meeting on 23 February 2004</p> <p>Information paper on "Display of street names and building numbers" (CB(1)1193/03-04(01)) issued on 3 March 2004</p> <p>Information paper on "Minor Works Control Regime (Part II)" (CB(1) 237/03-04(02)) discussed at the meeting on 27 November 2003 and verbal clarification</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>unit and caused injury to a person; and</p> <p>(v) were there any mechanism and measures to deal with existing supporting frames and whether the owners concerned would be held criminally liable under BO if these structures fell off causing injury to a person.</p>	<p>Information paper on "Minor Works Control Regime (Part II)" (CB(1) 237/03-04(02)) discussed at the meeting on 27 November 2003 and verbal clarification</p>
<p>27 November 2003</p>	<p>(a) To advise whether applicants, failing in examination of a recognized top-up course for minor works contractors, had to pay an examination fee again if they re-sit the examination and if so, the fee level.</p> <p>(b) To review the proposed minor works control regime to address members' concern that the proposed regime was nuisance-causing but ineffective to enhance public safety. To address some members' concern that it was unclear what constituted exempted works.</p> <p>(c) To provide legal advice on nature of disputes between owners' corporations and individual owners in relation to statutory orders issued by the Building Authority (BA) which could be heard by the Lands Tribunal under the Tenth Schedule to the Building Management Ordinance (Cap. 344).</p> <p>(d) To consider the proposal of extending the scope of the Appeal Tribunal (Buildings) to hear and determine cases of disputes between individual owners and owners' corporations relating to the manner of complying with a statutory order issued by BA. Some members considered that this proposal might resolve the complication arising from the anomaly of having two bodies, namely, the Appeal Tribunal (Buildings) and the Lands Tribunal, handling matters relating to compliance with a statutory order issued by BA, and the Appeal Tribunal (Buildings) could be a better venue in view of the technical background of its members.</p>	<p>Information paper on "Minor Works Control Scheme (Part III) and Exempted Works" (CB(1)719/03-04(02)) discussed on 29 January 2004</p> <p>Supplementary information on relationship between individual owners and owners' corporations (CB(1)1717/03-04(02)) discussed at the meeting on 14 May 2004</p>

Date of meeting	List of follow-up actions	Administration's response
12 December 2003	<p>(a) To clarify the circumstances which would fall within Regulation 41D(3)(a) of the Building (Planning) Regulations concerning exemption from provision of emergency vehicular access (EVA). An example quoted by a member was inability of a person to purchase the land surrounding the building in question or obtain the approval of the relevant landowner for the provision of EVA which would encroach on his land.</p> <p>(b) To advise the types of foundation works which required the appointment of a geotechnical engineer. A member was concerned whether the carrying out of foundation works for the construction of high-rise superstructures required the appointment of a geotechnical engineer.</p> <p>(c) To explain the impact of the Bill, if any, on building works carried out in the New Territories (NT). Some members had raised queries about application of the requirement of mandatory provision of EVA and the appointment of Registered Geotechnical Engineers to building works involving small houses and low-density residential complex in the NT.</p> <p>(d) To report to the relevant Panels of LegCo about the outcome of consultation with the trade concerning the qualification and experience for registration as Class A and Class B minor works contractors.</p> <p>(e) To ascertain whether under the Tenth Schedule to the Building Management Ordinance (Cap. 344) the Lands Tribunal could handle disputes between individual owners and owners' corporations concerning the award of damages and compensation in connection with the compliance with a statutory order issued by the Building Authority.</p> <p>(f) To provide a paper to explain the issue of warning notice on unauthorized building works and the registration of warning notice in the Land Registry.</p>	<p>Letter dated 28 January 2004 from the Administration (CB(1)873/03-04(02)) issued on 28 January 2004</p> <p>Information paper on "Impact of the Bill on building works in the New Territories" (CB(1)1717/03-04(01)) discussed at the meeting on 7 May 2004</p> <p>The Bills Committee agreed to delete the minor works control regime from the Bill at the meeting on 23 April 2004</p> <p>Supplementary information paper on relationship between individual owners and owners' corporations (CB(1)1717/03-04(02)) discussed at the meeting on 14 May 2004</p> <p>Information paper on "Warning Notice" (CB(1) 702/03-04(02)) discussed at the meeting on 12 February 2004</p>

Date of meeting	List of follow-up actions	Administration's response
	(g) To review the proposal for charging the issue of a copy of document kept under the Buildings Ordinance (Cap. 123) at \$38 per copy.	Letter dated 5 May 2004 from the Administration (CB(1)1729/03-04(01)) discussed at the meeting on 20 May 2004
8 January 2004	<p><u>Item 54 in CB(1)719/03-04(01)</u></p> <p>(a) To report to the Bills Committee before completion of scrutiny of the Bill how water seepage cases will be handled in future. Members are gravely concerned about the ineffective ways in which water seepage cases are handled by different Government departments at present. They request the Administration to formulate a comprehensive plan with proposed timing to deal with water seepage problems at root. Members make the following proposals:</p> <ul style="list-style-type: none"> (i) a Government department, preferably Buildings Department, should be designated to deal with water seepage; (ii) an adjudicating body such as tribunal may need to be established to hear and determine water seepage disputes; and (iii) the cost incurred in handling water seepage may be shared by the relevant parties. <p><u>Item 59 in CB(1)719/03-04(01)</u></p> <p>(b) To discuss with the Law Society of Hong Kong how clause 62 (new Regulation 25 of Building (Administration) Regulations) will affect conveyancing, if any. Some members' concerns in this respect are as follows:</p> <ul style="list-style-type: none"> (i) whether an architect's certificate will be required in conveyancing to certify that minor works in the property concerned are completed in accordance with the Buildings Ordinance (BO); and 	<p>Verbal report at the meeting on 20 May 2004</p> <p>Letter dated 16 February 2004 from the Administration (CB(1)1054/03-04(03)) discussed at the meeting on 23 February 2004</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>(ii) how minor works which were completed not in accordance with the BO before the enactment of the relevant provision on minor works should be handled in so far as conveyancing is concerned.</p> <p>The Administration is requested to report the outcome of discussion to the Bills Committee.</p> <p>(c) To clarify whether the BO will apply to public housing blocks which belong to the Housing Authority but were partly sold to members of the public.</p>	<p>Letter dated 16 February 2004 from the Administration (CB(1)1054/03-04(03)) discussed at the meeting on 23 February 2004</p>
<p>29 January 2004</p>	<p><u>Paragraph 8(a) in CB(1)719/03-04(02)</u></p> <p>(a) To consider the feasibility of devising a simplified scheme concerning the submission of record plans for Category III minor works. Members suggested that for the erection of supporting frames for air-conditioning units or drying racks, different standardized options might be prescribed in a standardized form for easy completion by minor works contractors. Where the minor works fell outside the prescribed options, the minor works contractors concerned might be required to submit record photographs and record plans or written description of the completed minor works.</p> <p><u>Paragraph 8(b) in CB(1)719/03-04(02)</u></p> <p>(b) To consider providing flexibility in respect of the required attendance rate for top-up courses and the need to pass the examinations for such courses for registration as Class B minor works contractors. Members suggested that different options be provided to cater for the circumstances of different contractors. These options might include passing the required examination without the need to attend the top-up courses, attaining a prescribed attendance rate for the top-up courses and passing the required examination, and attaining a higher prescribed attendance rate for the top-up courses without the need to sit for the required examination.</p>	<p>Letter dated 20 February 2004 (CB(1)1054/03-04(04)) discussed at the meeting on 23 February 2004</p>

Date of meeting	List of follow-up actions	Administration's response
	<p><u>Paragraph 8(c) in CB(1)719/03-04(02)</u></p> <p>(c) To advise the qualifications for provisional registration as minor works contractors after consultation with the trade including self-employed small minor works contractors. Members were concerned about the documentary evidence required to be produced to substantiate claim of experience in minor works. They were worried that self-employed minor works contractors might not have business registration or receipts to prove that they had been engaged in minor works.</p> <p>(d) To advise the channel of appeal concerning applications for provisional registration as minor works contractors. Members called for the provision of simple appeal procedures without the need to resort to legal proceedings.</p> <p><u>Paragraph 10 in CB(1)719/03-04(02)</u></p> <p>(e) To clarify whether notice published in the Gazette concerning minor works and specified exempted works under the proposed section 8A(2A) and 41(3AA)(b) respectively was subsidiary legislation. Members were concerned that publishing the notice in the Gazette was not an effective or user-friendly means to inform members of the public or interested persons about minor works and specified exempted works. Some members suggested setting out the details of these works in a schedule to the principal ordinance.</p> <p>(f) To review the drafting of the criteria for exempted works under the proposed section 41(3AA) to avoid ambiguity. Some members were concerned that the existing subsection (3AA)(a)(i) and (iii) were unclear. They pointed out that (i) referred to the location of carrying out of works and not of the works themselves. Under the present drafting of (iii), the layman would not be aware that aluminum windows in external wall had to bear wind load and thus were not regarded as exempted works.</p>	<p>Letter dated 20 February 2004 (CB(1)1054/03-04(04)) discussed at the meeting on 23 February 2004</p> <p>The Administration's verbal clarification at the meeting on 10 March 2004 that the notice published in the gazette concerning minor works and specified exempted works was subsidiary legislation</p> <p>Letter dated 20 February 2004 (CB(1)1054/03-04(04)) discussed at the meeting on 23 February 2004</p>

Date of meeting	List of follow-up actions	Administration's response
12 February 2004	<p><u>CB(1)719/03-04(03)</u></p> <p>(a) To provide a list of bodies referred to in paragraph 3(e) for nomination of persons for selection by the Building Authority (BA) to sit on Contractors Registration Committee (CRC).</p> <p>(b) To advise whether any checking and assessment would be done before an application for renewal of registration as a Registered Contractor (RC) is approved. Whether total subletting of construction projects is one of the factors taken into account by BA in considering renewal applications? In this respect, please explain whether total subletting of private construction projects is regulated by BA and if so, how.</p> <p>(c) To provide the number of applications for renewal of registration as a RC which were rejected because of poor track records of the applicants over the past three years, if any.</p> <p>(d) To review the composition of CRC to ensure balance of representation. Some members are concerned that an unbalanced CRC may unjustifiably exclude qualified applicants from registration as RCs in order to protect the interest of existing RCs. Please provide relevant figures, if any.</p> <p><u>CB(1)702/03-04 (02)</u></p> <p>(e) To devise a practical regime to deal with existing unauthorized minor building works upon enactment of the proposed provisions concerning warning notice. Whether warning notices will be issued against existing unauthorized minor building works such as supporting frames for air-conditioning units and drying racks. Some members are concerned about the impact of registration in the Land Registry of warning notices against existing unauthorized minor building works on conveyancing.</p>	<p>Letter dated 9 March 2004 from the Administration (CB(1)1257/03-04(01)) discussed at the meeting on 10 March 2004</p> <p>Letter dated 9 March 2004 from the Administration (CB(1)1257/03-04(01)) discussed at the meeting on 10 March 2004</p>

Date of meeting	List of follow-up actions	Administration's response
23 February 2004	<p><u>CB(1)1054/03-04(02)</u></p> <p>(a) To clarify the category of persons who may be held liable for the various offences concerning unauthorized building works, substandard building works, construction danger and minor works. Whether the person knows or does not know is a factor in determining liability for the offences.</p> <p>(b) To review the penalty scheme for minor works. In this respect, some members have expressed the following views:</p> <ul style="list-style-type: none">(i) whether it is feasible to provide a separate penalty scheme for different categories of minor works. Members consider that the revised proposals of penalty levels for minor works remain too high, in particular that for not appointing a registered contractor for carrying out household minor works, like installation of supporting frames for air-conditioners and drying racks;(ii) how to deal with the existing household minor works even if a separate penalty scheme was proposed for Category III minor works;(iii) whether it is desirable and practical from the policy perspective not to hold owners and owners corporations liable for offences in relation to appointment of Class B registered minor works contractors; and(iv) to consult small contractors on the revised proposals on fines. <p>(c) To clarify whether repair works or alteration works to small houses and squatter houses are subject to the Buildings Ordinance and the proposed minor works control regime. Please address this query in the paper to be provided concerning the impact of the Bill on building works carried out in the New Territories.</p>	<p>Letter dated 4 May 2004 from the Administration (CB(1)1717/03-04(03)) discussed at the meeting on 14 May 2004</p> <p>The Bills Committee agreed to delete the minor works control regime from the Bill at the meeting on 23 April 2004</p> <p>Information paper on "Impact of the Bill on building works in the New Territories" (CB(1)1717/03-04(01)) discussed at the meeting on 7 May 2004</p>

Date of meeting	List of follow-up actions	Administration's response
	<p><u>CB(1)1054/03-04(03)</u></p> <p>(d) To advise how far the building plans for buildings under the Home Ownership Scheme and Tenants Purchase Scheme are complete and could be made available for inspection upon request.</p> <p><u>CB(1) 1054/03-04(04)</u></p> <p>(e) To provide the outline or description of the top-up courses for registration as Class B minor works contractors.</p>	<p>Letter dated 4 May 2004 from the Administration (CB(1)1717/03-04(03) discussed at the meeting on 14 May 2004</p> <p>The Bills Committee agreed to delete the minor works control regime from the Bill at the meeting on 23 April 2004</p>
22 March 2004	<p><u>Clause 2 (section 2)</u></p> <p>(a) To provide examples of provisions where certain important things affecting the operation of the principal ordinance are set out in subsidiary legislation by notice published in the Gazette. Some members consider that the list of different categories of minor works should be provided in a schedule to the ordinance for easy reference.</p> <p>(b) To provide the updated version of different categories of minor works which is being discussed by the Administration with the trade and inform the Bills Committee the progress of consultation with the trade.</p>	<p>Letters dated 30 March 2004 (CB(1)1422/03-04(03) and 14 April 2004 (CB(1)1515/03-04(02)) issued on 31 March 2004 and 14 April 2004 respectively</p>

Date of meeting	List of follow-up actions	Administration's response
	<p><u>Clause 5 (section 4)</u></p> <p>(c) To review whether it is appropriate to delete the offence for contravention of section 4(3)(b) and the proposed section 4(3A)(b). Members have different views on the issue. Some members are of the view that since the relevant persons will be held liable for certifying works which are not in compliance with the ordinance and its regulation under the existing provisions, there is no need for a separate offence provision for contravention of sections 4(3)(b) and 4(3A)(b). A member however objects to the deletion of this offence and considers that the penalty for defective and substandard building works should be strengthened to enhance deterrence.</p> <p>(d) To review the drafting of sections 4(3)(b) and 4(3A)(b) to ensure consistency between the Chinese versions of the two provisions.</p> <p>(e) To confirm whether "regulations" referred to in section 4(3A)(b) include Code of Practice.</p>	<p>Letter dated 14 April 2004 from the Administration (CB(1)1515/03-04(02)) issued on 14 April 2004. The proposed section 4(3A) was deleted in connection with the deletion of the minor works control regime from the Bill.</p>
<p>1 April 2004</p>	<p>(a) Whether individuals who satisfy the specified requirements but without business registration could be registered as contractors and minor works contractors under the existing Buildings Ordinance and the Bill respectively.</p> <p>(b) Whether persons with a plumber's licence issued under Regulation 34 of the Waterworks Regulations (Cap. 102 sub. leg.) would be recognized as registered minor works contractors under the Bill.</p> <p>(c) If the answer to (b) is affirmative, whether persons with a plumber's licence will need to be registered separately under the Bill and what types of minor works they will be permitted to undertake. The deputations claim that persons with a plumber's licence are qualified and should be permitted to undertake</p>	<p>Letter dated 15 April 2004 from the Administration (CB(1)1534/03-04(01)) issued on 15 April 2004</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>drainage works.</p> <p>(d) How the proposed registration system for minor works contractors under the Bill could be tied in with the mandatory registration system for construction workers under the Construction Workers Registration Bill.</p>	<p>Letter dated 15 April 2004 from the Administration (CB(1)1534/03-04(01)) issued on 15 April 2004</p>
<p>16 April 2004</p>	<p>(a) To provide a paper to explain the viability, impact and implications of the various options raised by members in dealing with the minor works control regime in the Bill.</p> <p>Members are concerned that many issues concerning minor works are still outstanding. As consultation with the trade is underway and in order that the Bills Committee could complete scrutiny of other provisions in the Bill not relating to minor works within the current term, members have raised the following options:</p> <p>(i) to delete the whole minor works control regime from the Bill;</p> <p>(ii) to delete those provisions concerning minor works which have caused the greatest concern, namely Category III minor works or the latest proposed Category IV minor works;</p> <p>(iii) to designate certain types of Category III and/or Category IV minor works as exempted works; and</p> <p>(iv) to defer the commencement of provisions concerning Category III and/or Category IV minor works until after all the outstanding issues have been satisfactorily resolved.</p>	<p>Information paper on "Minor Works Control Regime - Way Forward" (CB(1)1578/03-04(02)) discussed at the meeting on 23 April 2004</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>The Administration is requested to assess the viability of each of these options from policy, operational and drafting perspectives, taking into account the need to complete scrutiny of the Bill by early June 2004, the latest.</p> <p>(b) To advise in writing the designated trades under the Construction Workers Registration Bill relevant to the undertaking of drainage works and installation of drying racks and supporting frames for air-conditioning units under Category III and proposed Category IV minor works.</p> <p>(c) To clarify the differences, if any, in registering as contractors in the capacity as individuals, small companies comprising one or two persons or larger companies with management structure. A member is concerned that as the present registration scheme caters for body corporates, whether operational difficulties are envisaged if a large number of small companies with frequent change of personnel are registered as contractors.</p>	<p>Information paper on "Minor Works Control Regime - Way Forward" (CB(1)1578/03-04(02)) discussed at the meeting on 23 April 2004</p> <p>The Bills Committee agreed to delete the minor works control regime from the Bill at the meeting on 23 April 2004</p>
7 May 2004	<p><u>Section 8B of the Buildings Ordinance (BO)</u></p> <p>(a) To provide information on the range of the length of time and the average time taken by disciplinary boards to complete disciplinary proceedings in respect of registered contractors over the past three years. A member was concerned that if disciplinary proceedings took unduly lengthy time to complete, the contractor concerned could retain his name in the relevant register for as long as three years (subsection (12)).</p> <p><u>Section 24 of BO</u></p> <p>(b) To advise when an order issued under section 24(2) or (2A) will be registered with the Land Registry (subsection (2C)) and confirm whether there would be a</p>	<p>Letter dated 13 May 2004 (CB(1)1810/03-04(02)) discussed at the meeting on 14 May 2004</p>

Date of meeting	List of follow-up actions	Administration's response
	<p>lapse between the issue of an order and its appearance in the records of the Land Registry.</p> <p><u>Proposed section 24C of BO</u></p> <p>(c) To consider the viability of providing a performance pledge on the time required by the Building Authority to lodge in the Land Registry an appropriate instrument of satisfaction against a notice for demolition or alteration of building or building works (subsection (6)).</p> <p><u>Proposed section 29A of BO</u></p> <p>(d) To advise on the drafting criteria for adopting the phrase "to the satisfaction of the Building Authority (BA)" or "in the opinion of BA" in the Bill.</p> <p>(e) To explain the difference between subsections (1) and (4).</p>	<p>Letter dated 13 May 2004 (CB(1)1810/03-04(02)) discussed at the meeting on 14 May 2004</p>
<p>14 May 2004</p>	<p><u>Section 24C of the Buildings Ordinance (BO)</u></p> <p>(a) To note members' view that the public be made known of the performance pledge in relation to the time required by the Buildings Department in lodging in the Land Registry an appropriate instrument of satisfaction against a warning notice.</p> <p><u>Section 39B of BO</u></p> <p>(b) To review the merits of retaining section 39B and the viability of narrowing its scope to confine application to obstruction of owners' corporation in complying with orders in relation to any common parts of a building and in connection with unauthorized building works and contravention of provisions of a serious</p>	<p>The Administration took note of members' view</p> <p>Committee Stage amendments proposed by the Administration (CB(1)1894/03-04(01)) discussed at the meeting on 20 May 2004</p>

Date of meeting	List of follow-up actions	Administration's response
	nature.	

Council Business Division 1
Legislative Council Secretariat
21 June 2004